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APPLIC	ATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/	916,802	07/27/2001	John Haig Marsh	P-6251 (301446-000019)	2109
	759	01/13/2003			
Je	fferson Perki	ns	EXAMINER		
Piper Marbury Rudnick & Wolfe P.O. Box 64807				DAVIE, JAMES W	
Ch	nicago, IL 604	440-0807		ART UNIT	PAPER NUMBER
			2828	···	

DATE MAILED: 01/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Application No. Op/16,802 Examiner Art Unit James W Davie 2828 Art Unit James W Davie 2828 As HORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE Of this communication appears on the cover sheet with the correspondence address - Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION: 18 be period for reply specified above is less than theiry (50) days, a reply within the control of the period for reply specified above is less than theiry (50) days, a reply within the communication: 18 the period for reply specified above is less than theiry collocates of the communication of the period for reply specified above is less than theiry collocates and the period of the period for reply specified above is less than theiry (50) days, a reply within the stantory minimum of thing (50) address and the period of the communication. 19 The period for reply specified above is less than their period (50) days, a reply within the communication of the maining date of this communication. Any reply received by the Office betw from the enourins after the mailing date of this communication. Any reply received by the Office betw from the enourins after the maining date of this communication. Any is replication is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-21 and 27-30 is/are pending in the application. 4) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are objected to by the Examiner. 7) In the drawing(s) filed on is/are via cacepited or by objected to by the Examiner. Applicant may not request that any objection to the drawings) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is/are: all accepted or by objected to by the Examiner. If approved,		<u>· </u>						
Examiner James W Davie	gard.	*	Application No.	Applicant(s)				
James W Davie 2828 - The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply			09/916,802	MARSH ET AL.				
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Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ② MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after St. (b) (MONTHS from the mailing date of this communication, which the statisticy minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication. Palaries for exply whith the set abation y hindring and the other communication. Failure to reply whith the set of excended period for reply will, by statistic, cause the application to become ABANDONED (30 LS C, § 130). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any owner plant term adjustment. Set 97 CFR 1.7046. Status Status Status 1) Seponsitive to communication(s) filled on 29 October 2002. 2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-21 and 27-30 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are allowed. 6) Claim(s) is/are objected to. 8) Claim(s) is/are objected to by the Examiner. 10) The drawing(s) filled on is/are: a) objected or b) objected to by the Examiner. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filled on is/are: a) accepted or b) objected to by the Examiner. 4polication papers 10) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d								
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14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).	* 5	application from the International Bureau (PCT Rule 17.2(a)).						
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a) The translation of the foreign language provisional application has been received. 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.								
Attachment(s)	-	-	-					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4) Interview Summary (PTO-413) Paper No(s) 5) Notice of Informal Patent Application (PTO-152) 6) Other:	2) Notic	e of Draftsperson's Patent Drawing Review (PTO-948)	5) 🔲 Notice of Informa					

Application/Control Number: 09/916,802

Art Unit: 2828

DETAILED ACTION

Claim Objections

1. Claims 27-30 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Use of the claim 1 device in a system does not further limit the device.

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 1-22 and 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 1, "at least one portion which has been Quantum Well Intermixed" fails to define any structure. It is not clear as to what structure applicant intends to claim.
- 4. Claims 1-22 and 27-30 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements. See MPEP § 2172.01. Applicant purports to claim a semiconductor laser device but fails to set forth the critical required elements of a laser device. A laser requires an active media, resonate cavity and pumping means.

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Art Unit: 2828

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Paoli, Beernink et al ('674), Koteles et al and Beernink et al ('802) teach semiconductor devices with layer intermixing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James W Davie whose telephone number is (703) 308-4847. The examiner can normally be reached on M-F 9-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Ip can be reached on (703) 308-3098. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Ames W Davie Primary Examiner Art Unit 2828

jd January 7, 2003